

the Year One thousand Six Hund^d Seventy three did Give Grant Bargain sell Enfeoffe and Confirm the Land in dispute unto Eliz^a Wharton wife of Jesse Wharton in fee simple w^{ch} same Jesse was then living and that the said Jesse Wharton Afterw^{ds} Died the s^d Eliz^a Surviving him We find that the Said Eliza^a Wharton being so Possessed of the land in Dispute afterw^{ds} intermarried wth Will^m Diggs by whom she had issue Edw^d Diggs that William afterw^{ds} Died and that the said Eliz^a After the Decease of the said William Diggs by her Deed duly Acknowledged and Recorded bearing Date the fourth day of October in the Year 1697 for the Consideration of Natural affection towards her son Edw^d Diggs and for his Advancement did Give grant bargain sell alien Enfeoffe and Confirm unto the said Edw^d Diggs in fee simple the Land in Dispute We find that the said Edw^d Diggs Entered into the said Land and being thereof Possessed by his last will and Testament Duly Executed and Proved bearing Date the tenth Day of Aprill in the Year 1714 Devised and Gave the Land in Dispute unto John Diggs the Lessor of the Plaintiff and to his Heirs and Assigns for Ever. We find that the said Jn^o Diggs Made the Lease sett forth in the Declaration to the Plaintiff John Nelson and that the Defendⁿ Beale Ejected the s^d Nelson and Entered into the Said Land We find that a scire facias issued at the suit of the Lord Proprietary to vacate a Patent of 17th of September 1666 hereafter mentioned W^{ch} was Granted to Walter Beane Upon the Entry of w^{ch} Scire facias and the Proceedings that were in the High Court of Chancery of the Province of Maryland thereon Are the following Words Viz^t: Command was given to the sherriff of Charles County that whereas We Did by Our Letters Patent Under our great seale of our said Province of Maryland bearing Date the 7th Day of September in the Year of Our Lord 1666 for for [sic] the Consideration therein Named Grant unto Walter Beane of our said province Genⁿ a parcell of Land Called Durham lying in the woods on the East side of the main fresh runn of Portobacco Creek Containing and then Laid out for 750 Acres More or less as by the Grant remaining or record relation being thereunto had more fully and more large it Doth And may appear Now for that we had long before that time reserved for our Own Use A Parcell of Land Called Panguaya Mannor of Which the said Parcell of land is part and the said Walter Beane being Sensible thereof fraudulently procured our Grant afs^d to the Deherision of Us and our heirs of the [781] Premisses and the said Walter being Since Deced We do Command You that by good and Lawfull Men of Your Bailywick you Make known and give Warning to the Heirs of the s^d Walter Beane or any Assigns that Claim the Same that they be before Us in Our High Court of Chancery the tenth of February Next Wheresoever We shall then be to Shew Cause if any they have Wherefore the Said Letters Patent of the afs^d as Afs^d Made Ought Not to be revoked and Annulled and the same into our hands be seized and to Do and receive What our said Court Shall do or grant to be done in this behalf and how You shall Execute this